

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

JU'DA YAH Y'ISRA'EL
ADC #140739

PETITIONER

v.

No. 3:18-cv-199-DPM

STATE OF ARKANSAS; CRITTENDEN
COUNTY; BOONE NANCE, Deputy
Prosecuting Attorney, Crittenden County;
and ROY C. LEWELLEN, Attorney, Lee County

RESPONDENTS

ORDER

On *de novo* review, the Court adopts the recommendation, No 3, as modified and overrules Y'isra'el's objections, No 4 & No 5. FED. R. CIV. P. 72(b)(3). Though styled as a § 1983 complaint, Y'isra'el's pleading is, in substance, a second or successive *habeas* petition; and Y'isra'el can't file it without permission from the United States Court of Appeals for the Eighth Circuit. His motion for leave to proceed *in forma pauperis*, No 1, is therefore denied. His petition will be dismissed without prejudice for lack of jurisdiction. No certificate of appealability will issue. 28 U.S.C. § 2253(c)(1)-(2).

So Ordered.

W.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

15 November 2018